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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**
13

14 OPPORTUNITY HOMES, LLC;
15
16 Plaintiff,
17 v.
18 FEDERAL HOME LOAN MORTGAGE
CORPORATION,
19 Defendant.
20

Case No.: 2:15-cv-00893

**PETITION FOR REMOVAL OF ACTION
PURSUANT TO 28 U.S.C. §§ 1442, 1446,
AND 1452(f)**

21 **TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA:**

22 Pursuant to 28 U.S.C. §§ 1442 and 1446, Defendant, Federal Home Loan Mortgage
23 Corporation (“Freddie Mac”), through its counsel of record, Ariel E. Stern, Christine M. Parvan and
24 Natalie L. Winslow of the Akerman LLP, removes this action to the United States District Court for
25 the District of Nevada and in support states:

26 1. The above-entitled action was commenced on May 22, 2014 in the Eighth Judicial
27 District Court for the State of Nevada in and for the County of Clark (“State Court”) as Case
28 Number A-14-701161-C (the “State Court Action”). Plaintiff named Freddie Mac as a defendant.

2. Plaintiff asserts claims for quiet title and declaratory relief arising from a homeowner's association foreclosure of a lien for purported delinquent assessments encumbering the real property located at 7736 Beach Falls Court, Las Vegas, Nevada.

3. Freddie Mac is a United States corporation, and government sponsored enterprise, chartered by an Act of Congress organized and existing under the Federal Home Loan Mortgage Corporation Act, 12 U.S.C. § 1451, *et seq.*, with its principal office located in the Commonwealth of Virginia.

4. The ground for this removal is federal question jurisdiction over claims brought against Freddie Mac. Pursuant to 28 U.S.C. 1331, "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." Freddie Mac's federal charter confers federal question jurisdiction over claims brought against it. *Lightfoot v. Cendant Mortg. Corp.*, 769 F.3d 681 (9th Cir. 2014).

5. This Court also has original jurisdiction over this action pursuant to 28 U.S.C. § 1442 and 12 U.S.C. § 1452(f) as plaintiff's complaint names Freddie Mac as a defendant.

6. This removal is timely. Plaintiff served Freddie Mac with a copy of the summons and complaint on July 22, 2014. 12 U.S.C. § 1452(f)(1) provides that Freddie Mac "shall be deemed to be an agency included in sections 1345 and 1442 of such Title 28." Section 1452(f) further provides, in pertinent part, that any civil action in a state court to which Freddie Mac is a party may, at any time before trial, be removed to the appropriate United States District Court. 12 U.S.C. § 1452(f)(2)-(3).

7. Freddie Mac is not required to notify or obtain the consent of any other defendant in this action in order to remove the entire case to federal court. See 28 U.S.C. § 1442; *Durham v. Lockheed Martin Corp.*, 445 F.3d 1247, 1253 (9th Cir. 2006); *Ely Valley Mines, Inc. v. Hartford Accident & Indemnity Co.*, 644 F. 2d 1310, 1315 (9th Cir. 1981) (stating that "§ 1442 represents an exception to the general rule (under §§ 1441 and 1446) that all defendants must join in the removal petition").

8. Venue is proper in the unofficial Southern Division of the District pursuant to 28 U.S.C. § 1441(a) because this District embraces the place where the State Court Action is pending.

1 9. Pursuant to 28 U.S.C. § 1446(a), Freddie Mac has annexed all process, pleadings, and
2 Orders served and not served upon it, which are annexed hereto as **Exhibit 1**.

3 10. Pursuant to 28 U.S.C. § 1441(c), a true and correct copy of the original Petition for
4 Removal has been filed concurrently with the Eighth Judicial District Court, Clark County, Nevada
5 and, in accordance with 28 U.S.C. § 1446(d), served upon plaintiff.

6 11. Freddie Mac reserves the right to supplement this Petition if and when additional
7 information becomes available. Freddie Mac, further reserves all rights including, but not limited to,
8 defenses and objections as to venue, personal jurisdiction, and service. The filing of this Petition is
9 subject to and without waiver of any such defense or objection.

10 DATED this 12th day of May, 2015.

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*Attorneys for Defendant Federal Home Loan
Mortgage Corporation*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of May, 2015 and pursuant to FRCP 5, I served via CM/ECF and/or deposited for mailing in the U.S. Mail a true and correct copy of the foregoing **PETITION FOR REMOVAL OF ACTION PURSUANT TO 28 U.S.C. §§ 1442, 1446, AND 1452(f)**, postage prepaid and addressed to:

Joseph Y. Hong, Esq.
Hong & Hong APLC
10781 W. Twain Avenue
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Attorneys for Opportunity Homes, LLC

/s/ Lucille Chiusano

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